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November 16, 2023

Honorable Lewis J. Liman
District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Keawsri et al. v. Ramen-Ya Inc. et al.*, Index No. 17-cv-02406 (LJL)(OTW)

Dear Judge Liman:

We represent Plaintiffs/Judgment Creditors. We write to clarify certain matters addressed with the Court during the November 14, 2023 hearing and to address the status of motions filed by Plaintiffs/Judgment Creditors that remain pending before the Court.

First, I wish to correct certain statements I made to the Court as to the amounts paid by Defendants/Judgment Debtors toward satisfaction of the judgment entered in this matter in the amount of \$1,798,633.63, plus post-judgment interest. [DE 514] On November 8, 2023, in accordance with the Amended Plan of Reorganization of the bankruptcy estate of Defendant/Judgment Debtor Yasuko Negita (“Yasuko”), her bankruptcy counsel (the “Rabinowitz Firm”) transferred \$1,560,000 to the escrow account of Florence Rostami Law LLC (“FRL”), counsel for Plaintiffs/Judgment Creditors. In addition, pursuant to the Court’s Order of October 10, 2023, Yasuko’s bankruptcy counsel transferred \$35,000 to the FRL escrow account, comprising funds of Defendant/Judgment Debtor Y&S International Corporation (“Y&S”) that had been fraudulently transferred by Y&S to Kil S. Jung (“Jung”) and which Jung transferred to the Rabinowitz Firm to hold in escrow; with respect to the \$25,000 held by Jung that had been fraudulently transferred to him by Defendant/Judgment Debtor Miho Maki (“Maki”), which Jung had transferred to the Rabinowitz Firm, the Court ordered that those funds be transferred by the Rabinowitz firm to the Chapter 7 Trustee for Maki’s bankruptcy estate for distribution to the creditors of Maki’s bankruptcy estate. [DE 754] Consequently, FRL currently holds \$1,595,000 in its escrow account for distribution to Plaintiffs/Judgment Creditors and for attorney’s fees and costs. The remaining amount for full satisfaction of the Judgment is \$203,633.63 plus post-judgment interest.

Presently pending before the Court are two outstanding motions filed by Plaintiffs/Judgment Creditors with respect to Defendants/Judgment Debtors Ramen-Ya Inc. (“RYI”), Yasuko, Masahiko Negita, and Maki (the “RYI Defendants”): (1) that the Court appoint a receiver to operate Restaurant Ku-Raku (“Kuraku”) [DE 675], which the Court previously found is an *alter ego* of RYI [DE 740]; and (2) that criminal contempt proceedings be commenced against the individual Defendants/Judgment Debtors [DE 655]. With respect to the motion for appointment of a receiver to operate Kuraku, Plaintiffs/Judgment Creditors hereby withdraw this motion since Plaintiffs/Judgment Creditors’ claims against RYI have been resolved under the terms of the Amended Plan of Reorganization in Yasuko’s bankruptcy proceeding.

With respect to the withdrawal of the motion for criminal contempt, after further consideration, counsel for Plaintiffs/Judgment Creditors respectfully decline to withdraw the motion for criminal contempt, for which the Court approved filing by counsel for Plaintiffs/Judgment Creditors to file at the hearing held on May 18, 2023 [5/18/23 Tr.52:8-52:13]. As was articulated at the May 18 hearing and the declaration and memorandum in support of motion, the motion for criminal contempt was not filed for purpose of gaining advantage in the matter before the Court, but rather was filed solely to enable the Court to consider conduct that Plaintiffs/Judgment Creditors reasonably believed was violative of law and to take appropriate measures if the Court found merit in the points raised in the motion. While counsel for Plaintiffs/Judgment Creditors appreciates the Court’s concern as to whether Plaintiffs/Judgment Creditors has standing to move for criminal contempt, we believe that it is appropriate for the Court to resolve this legal issue. However, should the Court direct Plaintiffs/Judgment Creditors to withdraw the motion, we will do so.

Finally, we ask the Court to confirm that a hearing in this matter has been scheduled for December 7, 2023, as was discussed during the November 14, 2023 hearing.

Respectfully submitted,

/s/ Neal Haber
Neal Haber

cc: All counsel (via ECF)